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PCT LEGAL ADMINISTRATION

In re Application of SILENCE :
U.S. Application No.: 10/541,708 :
PCT Application No.: PCT/BE2004/000002 :
Int. Filing Date: 09 January 2004 :
Priority Date Claimed: 10 January 2003 : COMMUNICATION
Attorney Docket No.: A0848.70010US00 :
For: RECOMBINANT VHH SINGLE DOMAIN :
ANTIBODY FROM CAMELIDAE :
AGAINST VON WILLEBRAND FACTOR :
(vWF) OR AGAINST COLLAGEN :

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 09 January 2004, applicant filed international application PCT/BE2004/000002, which claimed priority of an earlier European Patent Office application filed 10 January 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 29 July 2004. The thirty-month period for paying the basic national fee in the United States expired on 11 July 2005.

On 08 July 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration.

On 27 March 2006, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

DISCUSSION

A review of the application file reveals that the declaration filed on 08 July 2005 is improper. Specifically, the declaration, which was filed in the international application but after

the international filing date, fails to properly identify the specification to which it is directed. See MPEP 602, Section VI. Applicant is advised that the international application in the upper right hand corner is stamped by the International Bureau upon receipt and thus is not present at the time of execution.

CONCLUSION

For the reasons above, the Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed on 27 March 2006 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.



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